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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,113	03/25/2004	Peter Arthur Schade	2797P	8045
29141 7590 09/24/2007 SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303				
EXAMINER SORRELL, ERON J				
ART UNIT		PAPER NUMBER		
2182				
NOTIFICATION DATE		DELIVERY MODE		
09/24/2007		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/810,113

Applicant(s)

SCHADE, PETER ARTHUR

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/07 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 3-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

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claimed invention. The amendment to independent claims 1,7, and 12 comprise limitations that do not appear to be supported by the original specification. The limitation of the USB peripheral port providing a connection to **a second network** can be found in all the amended independent claims, however there is no such **second network** disclosed in the specification (emphasis added). At page 3, lines 1-10 only one network is disclosed. Lines 1-2 on page 6 also only recites creating "a network." No other references to a network can be found. The Examiner requests clarification.

4. Dependent claims 3-6,8-11,13, and 14 are rejected under 112-1<sup>st</sup> paragraph based on their dependency to the independent claims.

5. In light of the 112-1<sup>st</sup> paragraph rejection, for the purpose of compact prosecution, the Examiner will interpret the claims as best understood. The Examiner will interpret the claims as requiring the USB interface to comprise a port for coupling to a second network.

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shu (U.S. Patent No. 6,058,441) in view of Knight et al. (U.S. Pub. No. 2003/0167345 hereinafter "Knight").

8. Referring to claim 1, Shu teaches a single USB interface (item 100 in figure 1) comprising:

- a USB host port (item 11 in figure 1); and
- a USB peripheral port (item 12 in figure 1 and ) wherein the USB peripheral port and the USB root hub host port are both active at the same time (see lines 23-27 of column 5, note the upstream and downstream devices are allowed to communicate with each other, note the device is connected to a single computer), wherein the USB host port and the USB peripheral port are

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defined using predetermined signals (see lines 27-47 of column 3).

Shu fails to teach the host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus (see paragraph 149, wherein the USB adapter is described as coupling two networks).

Knight teaches, a single USB interface comprising host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus ().

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device of Shu with the above teachings of Knight in order to carry out communication between a vehicle control network and a remote computer system as suggested by Knight (see paragraph 14).

9. Referring to claims 3 and 4, Shu teaches the devices can be connected in a peer-to-peer connection, or a one-to-many via the host and/or peripheral ports (see lines 44-48 of column 2, note a single device can be connected to the host, or a chain of devices can be connected).

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10. Referring to claim 5, Shu teaches a device only needs one physical port to communicate via the single USB interface (see items labeled "FUNCTION" in figure 6, each peripheral has one port for which to connect with the interface).

11. Referring to claim 6, Shu teaches the predetermined signals comprise host differential data lines and peripheral differential data lines (see lines 27-47 of column 3).

12. Referring to claim 7, Shu teaches a USB network comprising:  
a first device, (item 100 in figure 1); the first device includes a single USB interface the first interface including a USB root hub host port (item 11 in figure 1); and a USB peripheral port (item 12 in figure 1), wherein the USB host port and the USB peripheral port are defined using predetermined signals (see lines 27-47 of column 3); and

a second device for communicating with the first device (see items labeled "FUNCTION" in figure 6, each peripheral has one port for which to connect with the interface), using the predetermined signals wherein the USB peripheral port and the USB root hub host port are both active at the same (see lines 23-27 of column 5, note the upstream and downstream devices are

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allowed to communicate with each other, note the device is connected to a single computer).

Shu fails to teach the host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus.

Knight teaches, a single USB interface comprising host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus (see paragraph 149, wherein the USB adapter is described as coupling two networks).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device of Shu with the above teachings of Knight in order to carry out communication between a vehicle control network and a remote computer system as suggested by Knight (see paragraph 14).

13. Referring to claims 8 and 9, Shu teaches the predetermined signals are within the USB standard (see lines 27-47 of column 3).

14. Referring to claim 10, Shu teaches the first and second devices can be any of a camera, computer, PDA, laptop device,



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handheld device, printer, and cellular telephone (see lines 1-7 of column 4).

15. Referring to claim 11, Shu teaches the predetermined signals comprise host differential data lines and peripheral differential data lines (see lines 27-47 of column 3).

16. Referring to claim 12, Shu teaches a device comprising:

a processor (see item 20 in figure 1 and lines 48-52 of column 3) and a single computer USB interface (item 100 in figure 1) comprising a USB host port (item 11 in figure 1); and a USB peripheral port (item 12 in figure 1) wherein the USB peripheral port and the USB root hub host port are both active at the same time and coupled to the same host (see lines 23-27 of column 5, note the upstream and downstream devices are allowed to communicate with each other, note the device is connected to a single computer), wherein the USB root hub host port and the USB peripheral port are defined using predetermined signals (see lines 27-47 of column 3).

Shu fails to teach the host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus.

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Knight teaches, a single USB interface comprising host port couples to a first network via a first bus the peripheral port couples to a second network via a second bus (see paragraph 149, wherein the USB adapter is described as coupling two networks).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the device of Shu with the above teachings of Knight in order to carry out communication between a vehicle control network and a remote computer system as suggested by Knight (see paragraph 14).

17. Referring to claim 13, Shu teaches the single computer USB interface requires a connection to only one physical I/O port if the device is coupled to a device with a connector that includes a USB host port and a USB peripheral port which are defined using the predetermined signals (see items labeled "FUNCTION" in figure 6, each peripheral has one port for which to connect with the interface).

18. Referring to claim 14, Shu teaches the predetermined signals comprise host differential data lines and peripheral differential data lines (see lines 27-47 of column 3).

***Response to Arguments***

19. Applicant's arguments filed 9/5/07 have been fully considered but they are not persuasive.

The applicant presents a description of the invention in an attempt to distinguish the claims from the cited prior art. The description, however presents limitations that are not positively recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

20. Examples of some of the limitations in the description that are not claimed are noted below:

1) The single USB interface is utilized in a network where at least one dual port USB (DPUSB) connector is connected to either standard USB connectors or other DPUSB connectors (see first full paragraph of page 7);

2) The computer being part of two networks, network 1 which has the computer as a host, and network 2 which has the computer as a device (see second full paragraph of page 7);

21. The applicant also argues that Shu fails to teach the device can act as a USB host and that the USB host port and USB

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peripheral port are both active at the same time (see lines 2-5 of page 8).

The Examiner disagrees. The claims do not require the device to be able to act as a USB host. The claimed device is merely an interface. Shu does teach USB host port and peripheral port are both active at the same time and coupled to the same processing system (see lines 23-27 of column 5, note the upstream and downstream devices are allowed to communicate with each other, note the device is connected to a single computer). Shu also teaches the host and peripheral are ports are defined using predetermined signals (see lines 27-47 of column 3).

22. The applicant also argues, Shu does not mention multiple USB busses, peer-to-peer, peer-to-peer networks, or networks (see lines 9-23 of page 8).

The Examiner disagrees. Shu teaches the devices can be connected in a peer-to-peer connection, or a one-to-many via the host and/or peripheral ports (see lines 44-48 of column 2, note a single device (peer-to-peer between the one device and the host) can be connected to the host, or a chain of devices can be connected (one-to-many the host and many devices, or a network of devices).

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23. Any arguments pertaining to a second network are moot in light of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS

September 12, 2007

*John Smith 9/12/07*